

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

FILED
01 MAR 19 AM 10:44
DISTRICT OF SOUTH CAROLINA

IN RE:)
)
SHERRY FORTENBERRY KAMENICKY)
)
)
Debtor.)
_____)

Bankruptcy Case No.: 00-10597-W

Chapter 7

TO: All Creditors and Parties in Interest

**NOTICE AND APPLICATION FOR SALE OF PROPERTY
FREE AND CLEAR OF LIENS AND INTEREST**

YOU ARE HEREBY NOTIFIED that the Trustee in this case proposes to sell the property herein described according to the terms and conditions stated below.

TAKE FURTHER NOTICE that any response, return and/or objection to this application, should be filed with the Clerk of the Bankruptcy Court no later than twenty (20) days from service of motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on March 29, 2001 at 1:30 p.m., at the United States Bankruptcy Court, 145 King Street, Suite 225, Charleston, South Carolina. No further notice of this hearing will be given.

TYPE OF SALE: Private sale.

PROPERTY TO BE SOLD: House and lot located at 754 Joe Rivers Road, Charleston, SC.

NOTICE: THE TRUSTEE IS SELLING THE ABOVE-REFERENCED PROPERTY "AS IS," WITH NO WARRANTIES WHATSOEVER. THE BUYER AGREES TO RECEIVE THE PROPERTY WITH ALL FAULTS. THE TRUSTEE MAKES NO WARRANTY, EXPRESS OR IMPLIED, REGARDING THE PROPERTY, AND SPECIFICALLY EXCLUDES ANY IMPLIED WARRANTY OF MERCHANTABILITY AND ANY IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR USE. PROPERTY TO BE CONVEYED BY QUIT CLAIM DEED.

THE BUYER HAS BEEN GIVEN THE OPPORTUNITY TO EXAMINE THE PROPERTY BEFORE SIGNING ANY CONTRACT OR SUBMITTING A BID TO PURCHASE THE PROPERTY, AND TO PERFORM SUCH TESTING, IF APPLICABLE, TO DETECT POSSIBLE LATENT DEFECTS.

PRICE: \$152,000.00 (cash or certified funds)

APPRAISAL VALUE: \$155,000.00 per Trustee's sales agent.

BUYER: JIM STALKER
164 Market Street, Box 222
Charleston, SC 29401

(The Buyer does not have any known adverse interest to this case or any parties involved in the case, including the Chapter 7 Trustee and the U.S. Trustee's office. The Buyer is not related to the Debtor and is not a creditor of the Debtor.)

PLACE, DATE AND TIME OF SALE: This sale shall take place within ten (10) days following the entry of the Order Approving the Sale by the U. S. Bankruptcy Court at a date, place and time to be agreed upon by the parties.

SALES AGENT/AUCTIONEER/BROKER/ETC.: *Jimmy Murray, Prudential Carolina Real Estate*, 125 F Wappoo Creek Drive, Charleston, SC 29412, (843) 795-5000. Please call this Agent with any questions you may have regarding the sale.

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.: \$9,120.00 = six (6%) percent of the gross sales proceeds. Please note that this amount may increase if the sales price increases.

EXPENSES OF SALE: Normal seller's closing costs estimated to be \$1,520.00 or 1% of the gross sales price.

COMPENSATION TO TRUSTEE ON SALE: Reasonable compensation to be determined by the Court (but not to exceed the limits set in 11 U.S.C. §326(a)).

LIEN(S) ENCUMBERING PROPERTY: The sale is free and clear of all liens, interest and judgments. This sale is subject to any easements, restrictions or encumbrances on record. There is a valid first mortgage lien held against this real property by Bank of America, which is owed approximately \$117,990.06. This obligation shall be paid in full at closing. Charleston County real property taxes are a lien against this real property and shall be prorated through the date of closing. There may be an equitable distribution assertion that the Debtor's estranged husband claims in this property. This interest has been settled and is being noticed by a separate Notice of Settlement and Compromise. Nevertheless, the Trustee disputes this interest. This sale is free and clear of this interest pursuant to 11 U.S.C. §363(f)(4) and that the interest shall attach to the net proceeds until the extent and validity of the interest has been determined in an adversary proceeding to be filed by the Trustee or is otherwise resolved by an Order of this Court.

DEBTORS' EXEMPTION: \$5,000.00

PROCEEDS ESTIMATED TO BE PAID TO ESTATE: \$18,370.00

Applicant is informed and believes that it would be in the best interest of the estate to sell said property by private sale. Applicant also believes that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application.

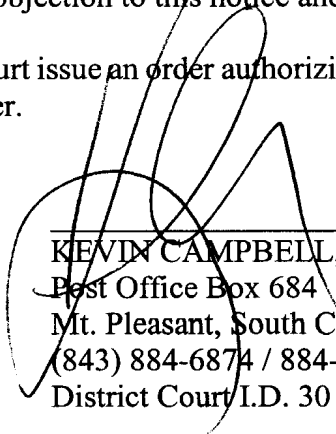
The court may consider additional offers at any hearing held on this notice and application for sale. The court may order at any hearing that the property be sold to another party on equivalent or more favorable terms.

Please be advised that an Order Authorizing the sale of this property for \$155,000 was approved by this Court on February 27, 2001. Because contingencies listed in previous sales contract were not fulfilled, that sales contract has been withdrawn. This new Notice of Sale reflects the terms of the new sales contracted entered into by the Trustee with a new Buyer.

The Trustee or debtor in possession, as applicable, may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the court issue an order authorizing sale of said property and such other and further relief as may be proper.

MT. PLEASANT, SOUTH CAROLINA
16th day of March, 2001.



KEVIN CAMPBELL, Trustee
Post Office Box 684
Mt. Pleasant, South Carolina 29465
(843) 884-6874 / 884-0997 (fax)
District Court I.D. 30